

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DERRICK MICHAEL STANBERRY,

:

Petitioner,

:

vs.

CIVIL ACTION 04-00323-BH-B

:

RALPH HOOKS,

:

Respondent.

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that the petition for habeas corpus relief filed by the Petitioner be and is hereby **DENIED** for failure to file the petition within the one-year period of limitation set forth in 28 U.S.C. § 2244(d)(1), and that Petitioner's petition be and is hereby **DISMISSED with prejudice**.

DONE this 14th day of November, 2006.

s/ W. B. Hand
SENIOR DISTRICT JUDGE